

December 11, 2019

Ms. Kara Lee
Kara's House LLC
15423 York Road
Sparks-Glencoe, Maryland 21152

Re: York Road 15423
Forest Buffer Variance
DEPS Tracking Number: 03-19-3094

Dear Ms. Lee:

Environmental Impact Review (EIR) staff of the Baltimore County Department of Environmental Protection and Sustainability has completed an evaluation of a variance application in accordance with Section 33-3-106 of the Forest Buffer Law of the Baltimore County Code. It requests the allowance for continued existing use of an approximately 1,750 square foot area of the forest buffer. The area is located along the outer edge of the buffer where the buffer interfaces with a functional lawn/yard area. The area of requested continued use currently contains a small portion of the footprint/foundation of a small barn that requires replacement within that footprint, a set of railroad tie stairs to ascend/descend the grade adjacent to the barn's foundation, and a lawn/maintenance area around the barn's foundation and around the stairs. No wetlands or wetland buffers are impacted within the continued use area of the buffer. In addition, this variance application requests to manually create and manually manage, approximately five foot wide, hand-forged walking paths for access and egress throughout the forest buffer in order to manually remove invasive and exotic vegetation, including, but not limited to: Japanese Stiltgrass, Chinese Chokeweed, Japanese Privet, Japanese Barberry, Oriental Bittersweet, Japanese Honeysuckle, Garlic Mustard and Norway Maple.

This approximately 8.4 acre property consists of two parcels and is currently the subject of a pending lot line adjustment. It is located in the Sparks-Glencoe section of Baltimore County. Parcel 129 (5.1 acres) includes a small home (originating from the 1930s) that is situated on a ridgeline. The balance of the site is made up of lawn and forest. The property is mostly sloping with a stream valley being present in the eastern end of the lot. Parcel 126 (3.3 acres) is a landlocked parcel, located to the rear (east) of Parcel 129. There are no formal improvements on this parcel. The property is dominated by a tulip poplar forest that occurs on moderate to steep slopes. A stream valley bisects the parcel and a small wetland edge is present in the southern end of the property. The site is located within the Use III-P watershed of the Gunpowder Falls.

Full compliance with the forest buffer regulations would place a new, relocated barn outside of the buffer, and adjacent to steep slopes, where it would be unable to be properly maintained, and would result in greater disturbance to the buffer. Removal of the existing stairs would remove the assistance they provide along a steep slope access area which transitions from lawn to

forest. The plan shows that the most feasible option for these features is their continued existing use. Mitigation for the continued use area includes recordation of a Forest Buffer Easement (FBE) in the Land Records of Baltimore County and posting the FBE with permanent protective signage. This would place approximately 6 acres of the property into a protective easement in perpetuity. Mitigation for buffer disturbance resulting from removal of invasive species shall be addressed as part of an approved Forest Buffer Protection Plan, and shall include the planting of woody, Maryland native vegetation. This ultimately will assist in providing for, and restoration of a balanced, Maryland native, sustainable forest system.

This Department has reviewed your request, and has determined that an unreasonable hardship would exist if the portion of the existing barn foundation and stairs within the buffer were to be removed or relocated, and that the plan shows the most feasible option, which is for its continued existing use. In addition, we also acknowledge that the potential for impacts to water quality can be minimized by performing mitigative measures. Therefore, the variance is hereby approved in accordance with Section 33-3-106 of the Baltimore County Code, with the following conditions:

1. The following variance note shall appear on all future plans for this project: "A variance was approved by Baltimore County from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains. The locations of a portion of the barn foundation, railroad tie stairs and maintenance area within the forest buffer are reflective of the fact that the variance was approved. In addition, the maintained walking trails within the forest buffer are also reflective of the fact that the variance was approved. Conditions were placed on this variance approval to reduce water quality impacts."
2. A Forest Buffer Protection Plan (FBPP) must be reviewed and approved prior to EIR approval of the lot line adjustment.
3. Prior to lot line adjustment approval, the Forest Buffer Easement, and associated declaration of protective covenants, must be recorded in the Land Records of Baltimore County.
4. Prior to lot line adjustment approval, permanent, protective forest buffer signage must be posted on site along the surveyed easement boundary, as specified on the approved FBPP.

It is the intent of this Department to approve the variance request subject to the above conditions. Any change to site layout may require submittal of revised plans and an amended variance request.

Please sign the statement on the following page and return the signed copy to this office within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in processing of plans for this project.

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If there are any questions regarding this correspondence, please contact Thomas Panzarella at (410) 887-3980.

Sincerely yours,

David V. Lykens
Director

DVL: tcp

I/We agree to the above conditions to bring my/our property, located at 15423 York Road, into compliance with the Baltimore County Code, Article 33, Title 3: Protection of Water Quality, Streams, Wetlands and Floodplains.

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|-------------------------|---------------|-------------------------|---------------|
| _____ Property Owner | _____ Date | _____ Property Owner | _____ Date |
| _____ Printed Name | | _____ Printed Name | |